QUESTIONS FOR ANSWERS ON THE DAY

(but not taken up)

SANCTION OF A DISTRICT COURT TO CHITRADURGA.

*Q.—848. Sri G. SHIVAPPA (Chitradurga).—

Will the Government be pleased to state:—

(*a*) that the Lawyers' Association of Chitradurga is urging the Government to grant a District Court to Chitradurga;

(*b*) has it come to the notice of Government that the District Court at Shimoga is far off from the mofussil places of Chitradurga District;

(*c*) at what stage this question is pending?

A.— Sri H. M. CHANNABASAPPA (Minister for Home).—

(*a*) Yes.

(*b*) Yes.

(*c*) Certain statics are being collected to enable a decision being taken.

ADJOURNMENT MOTION *RE*: HARDSHIPS CAUSED TO STUDENTS IN MYSORE CITY AFTER THE ISSUE OF A CIRCULAR FROM EDUCATION DEPARTMENT.

Mr. SPEAKER.— I have received notice of an adjournment motion from Sri Mallaradhya. It reads as follows.

> "That this House do stand adjouned to discuss a definite matter of urgent public importance to wit, the situation arising out of a very recent circular issued by the Director of Public Instruction in Mysore, directing that hundreds of students of the Mysore City Schools who were promoted from the VII to the VIII Standard as the result of a regular examination held under the orders of the Education Department be demoted for reasons stated in the said Circular and the consequent injustice, hardship and annoyance caused to hundreds of students and their parents in Mysore City."

Sri C. M. ARUMUGHAM.— Now that you are allowing Sri Mallaradhaya to move the adjournment motion.

Mr. SPEAKER.—No. I want to know whether it is admissible or not.

Sri C. M. ARUMUGHAM.— You are following a certain procedure.

Mr. SPEAKER.— The procedure is quite correct. Wherever there is no doubt about the inadmissibility of the adjournment motion it is struck off in the office itself and wherever there is some doubt or I feel that I should hear both the sides in respect of the adjournment motion I come to the House, read it to the House and hear both the sides. So I have asked Sri Mallaradhya to explain his case.

Sri C. M. ARUMUGHAM.—After that you will allow us also to say something.

Mr. SPEAKER.— No, that is not correct.

Sri J. B. MALLARADHYA.—I have got to convince the Speaker about the admissibility of this adjournment motion which I have tabled. In regard to urgency, the urgency is that thousands of students have been asked to go back from a higher class to a lower class as a result of the circular by the D. P. I. and this process is continuing. After the issue of the circular various headmasters of various institutions are pressing the students to take their transfer certificates and go back. So the matter is urgent. As regards definiteness I do not think there is any room for doubt at all. It is a public matter in the sense that thousands of parents are affected by it. This matter has been agitated in the press. In my own case as soon as it came to my notice when I went to Mysore I issued a press statement and asked the departmental people to see what the matter is and in reply to that, though it is not so specifically mentioned, the Director of Public Instruction rushed to the press and issued a statement about which I do not wish to make any comment here. It has come to public notice and so it is a matter of public importance from the point of view of the public. So this particular adjournment motion before the House satisfies all the conditions for an adjournment motion to be admitted for discussion in this House. I do not wish to say anything more.

Sri G. VENKATAI GOWDA.— I read in papers that day before yesterday a certain student who is affected by this circular has filed a writ before the High Court and the High Court is seized of the matter So. the point is whether the Hon'ble Minister can explain for or against the situation.

Mr. SPEAKER.— Let us hear what the Government has to say.

Sri ANNARAO GANAMUKHI.— It is true that the High Court has admitted a writ petition and a stay order has been issued. Therefore the merits and demerits of the question cannot be discussed in this House because the High Court is seized of the matter, but at the same time I should like to explain to the Hon'ble Member that the question has been put in a wrong way.

Sri C. J. MUCKANNAPPA.— Whether it is put rightly or wrongly does not matter, but the question is whether it is *sub judice* or not.

Mr. SPEAKER.— The merits of the case cannot be gone into here if the High Court is seized of the matter.

Sri J. B. MALLARADHYA.—In regard to the statement of the Hon'ble Education Minister, I am aware that the matter is before the High Court. The real point in this connection is that I tabled this adjournment motion on the 22nd. The Hon'ble Minister was in the headquarters. In the history of this particular Assembly, for the last four and half years, not a single adjournment motion came up for

discussion, nor has a single motion been admitted. The Hon'ble Minister I am sure, would have realised that the matter was urgent, that it was important and that it needed his attention. I must say with very great regret that the Hon'ble Minister pleaded that he had no papers. The Director of Public Instruction was in the headquarters and there was information that he had to get from any outside district because he was responsible for issuing the circular and for creating this situation. I am looking at this from the point of view of deprivation of the liberty of the Hon'ble Members of this House to discuss a matter of definite, urgent, public importance. If the Hon'ble Minister thought that declaring a school in Coorg or laying a foundation stone was more important than giving his attention to this matter, I am sorry to state that it does not redound to the credit of the Government. I am saying this with a full sense of responsibility because I day-in and day-out hundreds of aggrieved boys go to their schools and go back with drooping faces. Now, the matter has gone to the High Court and if it is *sub judice* I do not wish to discuss the matter but does it give shelter to the thousands of students who are involved. The writ petition, I know, is filed challenging the circular of the D. P. I. The point now is, what is to happen to the other boys? Will they get relief? Supposing the High Court having heard the case gives a decision in the petitioner's favour, does it apply to the others? Is it not possible for the Hon'ble Minister at this stage to look into the matter at the administration level and see if relief can be given. My intention is to see that proper relief is given in deserving cases. Nobody wants any irregularity to be perpetrated by the students or the parents.

Sri C. M. ARUMUGHAM.—Are we to understand, Mr. Speaker, that you have allowed the motion to be discussed. Because after the Minister's reply, the Hon'be Leader of the Opposition is continuing to make a speech.

Mr. SPEAKER.—Why does he presume things, when there is no scope for such presumption?

Sri C. M. ARUMUGHAM.—I fail to follow the procedure adopted by you.

Mr. SPEAKER.—I am hearing both the sides.

Sri C. M. ARUMUGHAM.—Were you not aware that the matter has gone to the court? Is it the first time you became aware of it?

Mr. SPEAKER.—I do not profess to know everything that goes on in the world. I want to hear both sides before coming to a decision on the admissibility of the adjournment motion.

Sri C. M. ARUMUGHAM.—My point is that since extensive debates are going on the subject, I want to participate in the debate. Again, may I ask if the Speaker was really unaware that the matter is before the High Court.

Mr. SPEAKER.—I may know a thousand and one things. But I have to hear both sides and understand their view points.

Sri G. VENKATAI GOWDA.—Did not the Government bring to the notice of the Speaker that the matter is before the High Court.

Mr. SPEAKER.—For the first time, the statment is being made on the floor of the House.

Sri J. B. MALLARADHYA.—I wish to conclude by saying that this situation would not have arisen if the Government had acted promptly on the adjournment motion tabled by me. Now an unusual situation has arisen. Supposing the High Court takes some time what is to happen to the boys ?

Mr. SPEAKER.—It is a fact that the adjournment motion by Sri Mallaradhya was tabled on the 22nd of this month. But somehow it could not be taken up earlier. I made enquiries from the Minister and he told me that certain information was not avilable. Therefore, I had to wait till he got the information. In the meanwhile he said that he had to go on tour and that this could be taken up on Monday. Now the matter has gone to the High Court. I am told the High Court is seized of the question whether the order of the D.P.I. is in order or not. This question being *sub-judice*, I cannot give my consent. I would have considered the matter leniently, if it had been taken up in this House before the writ petition was filed. But since the matter is now *sub-judice*, I am extremey sorry that I cannot allow Sri Mallaradhya's motion. I may add and I do hope that when adjournment motions are tabled by Hon'ble Members, the answer to them is given forthwith instead of causing delay because by that the rights of members would be curtained to that extent.

Sri C. M. ARUMUGHAM.—Government have already curtailed our rights.

Sri ANNARAO GANAMUKHI.—I would like to explain whether I am responsible for curtailing the right.

Sri M. C. NARASIMHAN.—Strictly speaking, should not the Government tell the Speaker that the matter is before the High Court ?

Mr. SPEAKER.—Government did not bring it to my notice.

Sri M. C. NARASIMHAN.—What would happen to the observations of Mr. Mallaradhya subsequent to the explanation given by the Minister.

Mr. SPEAKER.—In any case, when an adjournment motion is tabled, the reply should be given as early as possible. There should not be any delay.

Sri M. RAMAPPA.—If the matter is pending before the High Court, we cannot discuss the merits of the case but there is nothing wrong in making observations on the matter.

Sri G. VENKATAI GOWDA.—Without going into the merits, how can we make observations.

Sri ANNARAO GANAMUKHI.—Sir, I would like to explain. There was the least intention on our part to curtail the rights of any member much less that of the Leader of the Opposition. I had to gather information from Mysore district, Kolar, Shimoga and all over the State. After all, I should place before the house information on the number of students involved, the centres where they were examined, whether the D. E. Os. permitted the middle schools to hold the examination and such other matters. All these things had to be called for and naturally it would take some time. If the information was readily available with me, there would have been no difficulty to present the same to the House. Therefore I had to take the stand that I did.

Mr. SPEAKER.—I understand the difficulties of Government anyhow the situation cannot be helped now. I cannot allow the adjournment motion.

PRESENTATION OF REPORT

First Report of the Committee on Petitions—Presentation

Sri L. H. THIMMA BOVI.—I beg to present the First Report of the Committee on Petitions.

Mr. SPEAKER.—The First Report of the Committee on petitions is presented.

Mysore Forest Bill—Introduction

Sri H. S. RUDRAPPA (Minister for Forests).—I beg to introduce the Mysore Forest Bill, 1959.

Mr. SPEAKER.—The Mysore Forest Bill, 1959, is inserted.

The Mysore Medical Registration Bill, 1960—Motion to consider

Sri K. K. HEGDE (Minister for Health).—I beg to move:

"That the Mysore Medical Registration Bill, 1960, be taken into consideration."

Mr. SPEAKER.—Motion moved:

"That the Mysore Medical Registration Bill, 1960 be taken into consideration."

2-30 P.M.

†Sri K. K. HEGDE.—Sir, as you are aware, this is a simple Bill, the object of which is nothing but the integration of the prevalent Acts in the various integrated areas. Under the Indian Medical Council, Act, members in the various Medical Registers have to be integrated and constituted into a single list. It is with that view that this Bill has been introduced. I think the Hon'ble Members will agree that this is a non-controversial Bill and pass it without much controversy.

Sri J. B. MALLARADHYA (Nanjangud).—Sir, the Hon'ble Minister made a distinct motion for shortness, if not for sweetness, in introducing this Bill. I am surprised that a Bill of this nature should have been piloted in this very dramatic manner, Sir. I really expected the Hon'ble Minister to explain a few provisions of this Bill. At least in the statement of objects and reasons, there is a statement that there is a single Medical Council and several medical registers. Integration took place in the year 1956. As to how for a period of five years, this Government allowed this unhappy state of affairs to exist is more than I can tell and an explanation was due from the Government. I think it is at least on this point the Hon'ble Minister could have made some statement.

Sir, another thing is, they say that since they have got a representative of the Mysore State to the Indian Medical Council. It is necessary that this Bill should be passed. I want to know how and who is representing the Mysore State, at any rate in the Indian Medical Council, and how he was being selected. A word at least in regard to that matter, I think, was necessary. I am asking whether it is the intention of this Government to make the Mysore Medical Council an autonomous body or a department of Government, and whether it is their intention to use the Medical Council as a consultative body for important matters affecting or concerned with the Medical education of the people in Mysore State. I am asking with a specific purpose. They have come to a decision against the wishes of the All-India Medical Council in regard to the opening of Medical Schools in Mysore. The best and expert technical opinion of the country is definitely against the opening of courses of study in the Medical Schools and in spite of that, the Government have taken a decision and they have proposed to open them in Bijapur or Shimoga or both. My point is whether it is the intention of the Government to see that this Mysore Medical Council will have a particular status in regard to at least consultation on important matters affecting Medical education in Mysore—apart from that whether they will consult on the courses of study or examination or requisites of medically qualified graduates and diploma holders and things of that kind. Not a word is said about it by the Hon'ble Minister.

Sir, it is very surprising that in the whole Bill, the word modern scientific system of medicine is nowhere defined whereas in the preamble this expression occurs :

> "Whereas it is expedient to consolidate the laws for the registration of medical practitioners of modern scientific system of medicine, surgery and obstetrics."...etc.

My point is, nowhere in this Act is the expression modern scientific system of medicine is defined. I wonder if the Hon'ble Minister will agree that it will be a notable omission. I am saying this with reference to the Central Act. There, the word modern medicine,

I think, is defined. Sir, I invite the attention of the Hon'ble Minister to the Indian Medical Council Act, 1956, 102 of 1956, where it is defined in sub-section 2. The word modern medicine means includes scientific medicine in all its branches and includes surgery and obstetrics, but does not include veterinary medicine and surgery. I want to know why the Hon'ble Minister omitted to define this particular thing.

Sri K. K. HEGDE.—It is mentioned.

Sri J. B. MALLARADHYA.— The first point is, modern system of medicine is not defined. Whether they consider the integrated system of Indian medicine and allopathic medicine-do they call it the modern system of medicine? Don't you think a clarification is required? I would even now urge to see that the expression modern system of medicine is defined so that there can be no room for doubt at a subsequent date.

Sir, coming to the constitution of the Council, I invite the attention of the Hon'ble Minister to clause (*b*) of sub-section (2) of clause 3:

> "two members to be elected from amongst themselves by the members of Faculties of Medicine of the Universities established by any law for the time being in force in the State of Mysore."

Sir, the Hon'ble Minister perhaps is aware that we have two Universities, the Karnataka University and the Mysore University. How is the proportion going to be fixed? It is not very clear. Two members to be elected do they want the two to be distributed to the two Universities, or two to each University? A clarification is indicated, but nowhere in the Bill is to be found. What is the proportion to be allotted to each University?

Then in regard to clause (*c*):

> "two members to be elected from amongst themselves by such members of the staff of the Medical Colleges in the State of Mysore as are medical practitioners who are registered under this Act."

It gives room for doubt whether there can be two places from such members of the staff of the Medical Colleges who are not medical practitioners. I do not understand whether the Government is allowing private practice to people who are on the staff of Medical Colleges, and if not where is the need for including this particular expression "such members of the staff of the Medical Colleges in the State of Mysore as are medical practitioners who are registered under this Act." I know that a certain directive is given by the University by which the professors of colleges are prevent from practicing. They get a non-practicing allowance. Then, in this Bill, how can they make a provision that "two members to be elected from amongst themselves by such members of the staff of the Medical Colleges in the State of Mysore as are medical practitioners who are registerd under this Act." I think it conflicts with the existing directive given by the Government. A radical change is included in this.

Sri K. K. HEGDE.—They are entitled to practice. But they are prevented.

Sri J. B. MALLARADHYA.—The point now is if they are professors of colleges, I know definitely that they are prevented from private practice. What is the meaning of saying "such members of the Medical Colleges in the State of Mysore as are medical practitioners who are registered under this Act"? How can they be both medical practitioners and professors of colleges?

Sri K. K. HEGDE.—If they resign, they can have private practice.

Sri J. B. MALLARADHYA.—I am talking of the situation which itself will be irregular. Will you please examine? I may be wrong. This is what occurs to me. If you say that members of the staff of colleges can elect themselves as to constitute the council, then how is it you say professors and not medical practitioners?

Sri K. K. HEGDE.—Under this Act, both are elected from amongst themselves.

Sri J. B. MALLARADHYA.—Medical Practitioners are entitled to private practice. But if they are to hold appointment as professors, they are prevented from private practice.

Sri K. K. HEGDE.—It is not necessary for them to hold appointment as professors. If they hold appointment, they are debarred from private practice.

Sri J. B. MALLARADHYA.—Sir, an executive order of the Government does not carry the status of a statutory obligation. The Hon'ble Minister will please realise that they may issue a departmental order. But here is a Bill which is going to be in the Statute Book. They must make a very clear mention that these medical practitioners are contemplated. They must make a mention of it.

Then, sub-clause 2 (*d*) of Clause 3 says :

> "five members to be nominated by the State Government. out of whom not more than one shall be from amongst those not registered under this Act."

Here is a regular Medical Council consisting of representatives of the profession and they want to nominate somebody who is not registered under this Act. I want to know what is the object in making this provision, Is it that they want to have layman's point of view ?

Coming to clause 4, I do not know why Government would like to take the power to nominate if any of the electorates referred to in section 3 does not elect a person. If it is a case of nomination, they have got the power. Here is a vacancy of a candidate which has got to be filled by election and they say that if a person is not elected to that vacancy, they can nominate a person. For what reason and what is the time limit prescribed. Whatever may be the rules that they make under this clause, it should not be by nomination. They must make it obligatory that it should be filled only by election.

In this whole Bill no provision is made for election disputes. Supposing there is some dispute which arises rightly or wrongly in regard to the election to the Medicial Council. Who is to decide it? Will the Hon'ble Minister point out any provision in this Bill as to who is to adjudicate when such a dispute arises? Such a provision does exist in Section 4 of the Central Act. I want to know why the Government did not look into it and why the framers of this Bill did not have regard to this provision of the Central Act, The relevant section in the Central Act provides:

"Where any dispute arises regarding any election to the Council, it shall be referred to the Central Government whose decision shall be final."

I think that a provision like that will be very necessary.

There is a provision made for the appointment of the Registrar by the Medical Council. They say that it should be subject to the previous approval of the State Government. I want to know whether it is the intention of Government to subsidise the Medical Council and they want to give any recurring grant to the Medical Council. If not, why should the previous approval of the State Government be obtained? That is why in the beginning I asked whether it is the intention to make it an autonomous body or a body subordinate to Government or a Department of Government. This is not very clear. It is also provided that the Medical Council may also appoint such other officers and servants as may be necessary for the purpose of this Act. Is it the intention of the Government that all such appointments to be made by the Medical Council should also be subject to the previous approval of Government?

So far as the Registrar is concerned, he should be the Secretary of the Mysore Medical Council. The Secretary to any Council is a very important man and he is the chief executive officer. Is it the suggestion of the Hon'ble Minister that this Medical Council functions without even a Secretary? They should mention that the Registrar will also be the *ex-officio* Secretary of the Medical Council. They also take a security deposit from him because thousands of rupees are collected and he is expected to account for them.

In regard to the removal of the Medical Practitioners from the Register for misconduct, I think it is very necessary to clarify or amplify clause 15. Sub-clause (*b*) of the Explanation says :—

"any conduct which, in the opinion of the Medical Council is infamous in relation to the medical profession."

I think a few instances will have to be quoted by way of clarification. If they are not Given, I think the Mysore Medical Council may take the law into their hands. It amounts to vesting in them a power far beyond what you want to give. As it is, the provision is very vauge, and I think further clarification is indicated.

(Sri J. B. MALLARADHYA)

Sub-clause (2) of clause 15 says :—

"The Medical Council may, at any subsequent date, if it thinks fit, and shall on a decision to that effect of the Central Government under sub-section (2) of section 24 of the Indian Medical Council Act, 1956, direct that any name so removed shall be re-entered."

I can understand if the aggrieved party comes up in appeal against an order or the Medical Council can take congnisance of a case and give a decision and order reconsideration or reinstatement. But by having the words 'at any subsequest date if it thinks fit' it gives power *suo moto* to the Council. What is the category of cases in which the Council will take note of it themselves ? By having these words, it gives scope for people to bring pressure or influence. This is a judicial order and they are exercising the powers of a Civil Court in adjudication of such matters. Having given a decision, there must be an appeal and if there is to be an appeal, it must be to the Government. Why should they make a provision like that. I want the elimination of the words 'at any subsequent date, if it thinks fit,'. The aggrieved party can go up to the Indian Medical Council and the Central Government. So, there is already a provision in section 24 (2) of the Central Act. I do not know whether it would be in order to enable the Mysore Council to re-enter any name. What I mean to say is, the Medical Council rightly or wrongly makes a judicial order after hearing the parties concerned. If the part is aggrieved, he has a right to appeal to the Indian Medical Council. By providing like his in the clauses, it will give room for influence etc.

Sri K. K. HEGDE.—In one breath the Hon'ble Member says that the Medical Council should be debarred from doing this thing and in another breath the says that the Medical Council may be influenced to reinstate them.

Sri J. B. MALLARADHYA.—Anything may be possible. On the top of all this, they want power to nominate their own men. Even one individual member from their side can upset the whole team.

In regard to Assessor to Medical Council, I want to know who appoints them. No where in section 18 it is said that the Assessor has to be appointed by the Government, In sub-clause (3) it says:

"Any assessor under this section may be appointed either generally or for any particular inquiry or class of inquiries and shall be paid such remuneration as the Medical Council with the approval of the State Government may determine."

Sri K. K. HEGDE.—The appointment is made by the Council.

Sri J. B. MALLARADHYA.—In case they are appointed by the Council, why should the approval of the Government be obtained. If the suggestion is that you are going to subsidise the Medical Council and give a recurring grant, you are right in doing like this. But having nothing to do with it, why do you take this responsibility?

Sri K. K. HEGDE.—The Government should have some control about the appointment of assessors whose duties are very great.

Sri J. B. MALLARADHYA.—Under clause 33 you have taken power to see that the medical council functions properly. What more do you want? Either you say that the Government will appoint the assessors. Why should they consult you? Supposing they want to have their own men. Do you want to push your men there?

In clause 21:

> "A person whose name is for the time being borne on the Indian Medical Register maintained under the Indian Medical Council Act, 1956 (Central Act 102 of 1956) shall be eligible to hold any appointment as a physician, surgeon or other medical officer in any dispensary, hospital, infirmary or lying-in-hospital, not supported entirely by voluntary contributions, or in any public establishment, body or institution, where the modern scientific system of medicine is practised."

I want to know the appropriateness in using the words "not supported entirely by voluntary contributions."

Sri B. D. JATTI.—It will be deleted.

Sri J. B. MALLARADHYA.—It is all right. In regard to the question of penalties, a very strange provision has been made. The very act of a person trying to practice without being registered should amount to an offence. Whether a particular person was affected by his impersonation is outside the scope of the Bill. A Bill should be very accurate. There is a lot of redundancies. I want those words to be deleted. Supposing nobody is affected, do you want that person to go free.

I want the Hon'ble Minister to read clause 30. How is this possible? Why do you say that the act of the Government or Council should not be questioned in any Court?

In regard to clause 33, Control, I want to know why you say:

> "...the State Government may dissolve the council and cause all or any of the powers and duties of the council to be exercised and performed by such person and for such period as it may think fit..."

If you want to take over the functions, you should give it to a body of at least three people. While I state like this, I am supported by the provision made in the Central Act, I invite your attention to section 31 of the Central Act.

Sri B. D. JATTI.—Supposing we supersede a municipality, are we appointing three persons? Are we not appointing one Administrator?

Sri J. B. MALLARADHYA.—The Central Act provides in such a case for appointment of a Board.

Sri B. D. JATTI.—This is only for a temporary period. Why should anybody object to make such an appointment.

3-00 P. M.

Sri J. B. MALLARADHYA.—Then it says: "there upon the funds and property of the Council shall vest in the State Government....." It sounds a bit confiscatory. Of course, you may give it back.

Sri K. K. HEGDE.—It is only for guarding the property.

Sri J. B. MALLARADHYA.—When you vest authority in one man to get into the shoes of the Council, that man will have to exercise all the powers exercised by the Medical Council. You constitute a Board and let it function for such time as is necessary.

Sri K. K. HEGDE.—You want a nominated Board to function ? It will take time to nominate a Board. Before nomination is made, election itself will be held.

Sri J. B. MALLARADHYA.—You have thought of a very complicated procedure under Section 33. What I say is instead of Council which has become obnoxious, you want to appoint one person. My suggestion is you appoint a Board and let it have all power of the Medical Council till it is reconstituted under the law.

Sri C. J. MUCKANNAPPA.—He may be one among the Members of that Board.

Sri J. B. MALLARADHYA.—You have nowhere suggested or indicated what are the privileges conferred on those regitered under the Medical Practitioners Act in Mysore.

Mr. SPEAKER.—The House will now rise and meet after half-an-hour.

The House adjourned for recess at Eight Minutes past Three of the Clock and reassembled at Forty-Seven Minutes past Three of the Clock.

[Mr. SPEAKER in the Chair]

Sri J. B. MALLARADHYA.— I do not wish to take any more time of the House. I only ask the Minister one question, where do these candidates of the integrated course come in. They do not come in the Ayurveda and Unani Bill. Where do these boys and girls come in.

Sri K. K. HEGDE.— They will come under the proviso in the Mysore Ayurvedic and Unani Practitioners Registration and Medical Practitioners Miscellaneous Provisions Bill.

Sri J. B. MALLARADHYA.—I will prove that they don't come in and if you say that they do come in, I will not agree.

With these few words, I will close my speech.

Sri M. C. NARASIMHAN (Kolar Gold Fields).— I do not wish to respect the observations made by my friend Sri Mallaradhya who has fairly covered almost all the points, but those which are omitted, I would like to mention. So far as this Bill is concerned, the Medical Council which is sought to be established in terms of section 3 does not consist of a majority number of the elected element. Five are sought to be nominated. Under section 3 (2) (*b*) and (*c*) Government officers are sought to be included Members of Faculties of Medicine and two members selected from the staff of the Medical Colleges. In a body like this where important questions are involved such as registration of medical personnel, it is absolutely necessary to keep the non-official or the elected element as high as possible. I dont think that Government will lose anything thereby because they are securing the same composition. We are not saying that there should be no composition of officers or other interests such as is envisaged in section 3 (2) (*b*) and (*c*). They cannot be put on the same footing as say for instance six members elected from among non-officials. This is a Bill intended to regulate the Conduct of the medical profession. I am submitting that the non-official element must be there. The other point is, in the Acts of old Mysore, Bombay, Hyderabad and Madras, there was a provision that the State Medical Council should go into the examination and curricula and all that. It is true that the Indian Medical Council Act itself provides for such a thing. But the existing legislation as it stands in every State is that the State Medical Council is also empowered to go into the question of curricula and also the points raised by Sri Mallaradhya. It is absolutely necessary to have it. It may be that the Indian Medical Council may not be able to do all that job very satisfactorily. That power is now taken away and the State Medical Council is reduced to a skeleton to look into the misconducts of the persons and no more than that.

Sir, so far as disqualificatians are concerned, you will remember, neither the Madras Act nor the Hyderabad Act provided for any such disqualifications. I do not know the reason why the medical practitioner's name should be removed from the register simply because he is convicted or he is charged with an offence which is cognisable. Under the Penal Code there are quite a number of such offences. I can understand if it is for moral turpitude or an act in famous in relation to the medical profession because it is necessary to safeguard the interest of the patients. Sir, there is the Prohibition Act and an offence under

(Sri M. C. NARASIMHAN)

this is cognisable. Do you mean to say, if a Medical Practitioner is convicted under the Act, his name should be removed from the register?

Sri K. K. HEGDE.—Even then, we have suggested that the Medical Council, if they think it fit, need not remove the name.

Sri M. C. NARASIMHAN.—The Medical Council may or may not do it; we do not know what they would do in such cases. But, why should the name of that person be removed if he is convicted for a cognizable offence? I cannot understand this. I want to know whether it is in consonance with the Central Act. There is the Indian Medical Council Act and these provisions should be in consonance with the provisions of that Act. Under section 15 of that Act, a person who has the qualification as prescribed in the Schedule shall deem to have sufficient qualification for enrollment in the Register. There is no further condition put. Here, after he has paid the fee and satisfied the requirements as regards his qualification and got himself registered, we say his name should be deleted from the register. Is this consistent with the provisions of the Indian Medical Council Act? The Indian Medical Council will have one list and the State Council will have another list where they would exclude some persons on some grounds. I do not know how both these lists survive, unless the lists are the same, the qualifications are the same and the disqualifications are the same. The point is, a person registered under the Indian Medical Council Act cannot be removed from the register because there is no provision in that Act. For example, clause 15 of our Bill is not to be found in that Act.

Sri J. B. MALLARADHYA.—The moment a person's name is removed from our register; we have got to send a report to the Indian Medical Council.

Sri M. C. NARASIMHAN.—My point is, simply because the State Medical Council removes the name of a person, the Indian Medical Council cannot remove that name from the register because there is no such provision in that Act. There is definitely going to be inconsistency. I wish the Minister would please examine this. According to section 2 of the Indian Medical Council Act, a person who has not yet undergone the clinical training is entitled to be included in the Indian Medical Council Register. Here, we do not find such an opportunity being given to such medicial practitioners.

Sri K. K. HEGDE.—When a Degree is given by the University, they have got to undergo the clinical training before the degree is granted.

2-00 P. M.

If they are to undergo clinical training before the degree, they will have to complete it before the degree is conferred.

Sri G. VENKATAI GOWDA.—When the degree is conferred, *ipso facto* you take it that the man is eligible to be registered.

Sri M. C. NARASIMHAN.—Sir, in regard to person entitled to hold certain appointments, there seems to be a complete change. The old Act definitely said that no person who is not registered medical practitioner shall be entitled to be appointed to any of these offices. He could not be a doctor or a Medica Officer in any institution maintained by public funds if his name was not borne on the list of State Medical Register. Now that is changed. It is put in a sort of negative way. What you should have said is unless a person is registered in terms of this Act, he shall not be entitled to hold public appointments. It should have been worded that way. We are seeing that this provision for the registration has been in force since 1914 in the all other areas. I do not see any reason why a departure has been made in this fashion. It has given room for some confusion.

Sri K. K. HEGDE.—I shall be prepared to consider that clause.

Sri M. C. NARASIMHAN.—Under clause 22, he has to give a certificate. This is very important—the question of a certificate being issued only by a Registered Medical Practitioner. This applies now to Medical practitioners of western medicine. What about Unani and Homeopathy. In the Unani and Ayurvedic practitioners Act, there is a clause similar to this. There is no provision corresponding to 22 enabling the doctors registered under the various enactments and only such certificates shall be valid. That provision is not found in the Homeopathic and Ayurvedic and Unani Doctors. You cannot make an invidious distinction.

Sri J. B. MALLARADHYA.—That does not come in here.

Sri M. C. NARASIMHAN.—It must come here, because you say in general terms, it should find a place here. You must mention all other enactments, Aurvedic, Homeopathic and Unani and not leave it to be taken care of by other enactments. It would lead to other anomalies or duplication. I have also given notice of amendments in this respect. It virtually means prohibition because you say that a certificate issued required by any Act shall be valid only if it is issued by a registered medical practitioner under this Act.

I do not wish to repeat other arguments. My only suggestion in regard to the control is to have such time as he deems fit, after it can be easily limited to three months or six months and Government may hold elections after that period.

Sri K. K. HEGDE.—You can have that much of faith in the Government.

Sri M. C. NARASIMHAN.—In fact, I have absolute faith in Dr. Hegde. Supposing a person like our friend Sri R. M. Patil comes and occupies that place, I do not think he will go to that extent.

Mr. SPEAKER.—The question time is there. It must be finished by 4-30 P.M.

Sri J. B. MALLARADHYA.—We are not asking for extension of time.

Sri K. NAGAPPA ALVA (Panemangalore).—Mr. Speaker Sir, I welcome the Mysore Medical Registration Bill. I wanted this Bill to go to the Select Committee, because whenever we discuss a Bill and pass it, it must be as far as possible perfect at the stage it becomes an Act. This Bill ought to have come before this House and ought to have been passed at least three years before. Now that this is before us now at least, I wish certain points are seriously taken into consideration by the Government. I do not want to make speech because Mr. Mallaradhya has raised certain points, on most of these points I wanted to speak. They are very relevant and I only request the Government to clarify the position. I also feel certain clarifications are necessary and I do see that there is necessity for making some provision in this Bill to accommodate these points and make this Bill perfect.

But because of the urgency, I do not propose to press that it should be referred to the Select Committee. All over the State and all over India in all the States, we have got medical councils after the reorganisation of the States. In fact, to a large extent, the medical representation has not been there and we have suffered to that extent.

With these words, I once again welcome this Bill and I have moved certain amendments and at that stage, I will take an opportunity to say what I want to say.

†Sri K. K. HEGDE (Minister for Health).—Sir, some general remarks have been made on this Bill. Firstly, this was first introduced in 1958 and for some reason or the other, it had to be postponed. Anyway, I feel that not much inconvenience or difficulty has been caused for not introducing this Bill earlier because the Mysore Medical Act has been functioning up to now. This Bill has been brought with a view to bringing uniformity in all the regions of the present State and the Indian Medical Council has got to be represented by our Council.

As regards, my friend saying that the Bill should be made perfect, I do not know if ever any Bill so far discussed and passed is a model of perfection, whether here or anywhere in India.

Sri G. VENKATAI GOWDA.—It is our object to make it a Perfect Bill.

Sri K. K. HEGDE.—Not only this Bill, but all others.

Sri G. VENKATAI GOWDA.—Sir, is it not a reflection on our capacity to make legislation? Have we not passed the Prohibition Bill the other day?

Sri K. K. HEGDE.—It is our intention to make the Bill as perfect as possible. If we find from experience that there is anything wrong and not in the interests of the profession we are there to remedy it.

My friend Sri Mallaradhya raised the question of election of members on the council. Two members are to be elected from the faculties of medicine of the two universities.

Sri J. B. MALLARADHYA.—You have provided for two members to be elected from the faculties of medicine from the Karnatak University and the Mysore University. How are you going to do this ? Are you going to combine the two or are you going to distribute one each to the two universities ? Or are you going to combine two medical faculties into an electoral college and then have two members elected ?

Sri K. K. HEGDE.—Your last point is correct.

As regards medical practitioners, he said that members of the teaching staff are not practitioners. I do not think so. When once doctors are registered, they are as much medical practitioners as anybody else. Only thing is that when they are posted as professors they may be debarred temporarily.

Sri J. B. MALLARADHYA.—To be on the teaching staff, should he be a medical practitioner ?

Sri K. K. HEGDE.—He must be a registered man.

Sri J. B. MALLARADHYA.—I can understand a medical practitioner being registered, but the converse need not be true; a professor need not be a registered practitioner.

Sri T. PARTHASARATHY.—There are some non-medical men in the teaching staff.

Sri K. K. HEGDE.—They are not eligible.

Then Hon'ble Member questioned the necessity of providing for a non-medical man to be nominated on the Council. I would say that we have only made a provision but it is not imperative to nominate a non-medical man. Only provision has been made to nominate if necessary.

Then the Hon'ble Member made a reference to election disputes, In such cases appeal may be made to the Council whose decision may be final.

Sri J. B. MALLARADHYA.—What are the items under which you will frame regulations for that ?

Sri C. J. MUCKANNAPPA.—You have also not provided what are the ingredients to say that a medical practitioner is 'infamous'.

Sri K. K. HEGDE.—We shall do that while framing the rules.

Sri J. B. MALLARADHYA.—You will be giving a big handle to the Council to determine what is professional misconduct. You should have given at least some illustrations of that.

Sri K. K. HEGDE.—We may do that under the rules.

Mr. SPEAKER.—The question is:

"That the Mysore Medical Registration Bill, 1960, be taken into consideraion."

The motion was adopted.

Now the Bill will be read clause by clause. The question is:

"That Clause 2 stand part of the Bill."

The motion was adopted.

Clause 2 was added to the Bill.

Sri M. C. NARASIMHAN.—I beg to move:

"That in sub-clause (2) (*a*) for the words 'six members' the words 'eight members', shall be sub tituted."

"In line 1 of sub-clause (2) (*d*) for the word 'five members' the words 'three members' shall be substituted."

Mr. SPEAKER.—Amendment moved:

"That in sub-clause (2) (*a*) for the words 'six members' the words 'eight members' shall be substituted."

In line 1 of sub-clause (2) (*d*) for the words 'five members' the words 'three members' shall be substituted."

† Sri M. C. NARASIMHAN.—I have only attempted to make the elected element from registered medical practitioners to have a majority. It is not a very substantial majority. It is 8 *versus* 7; eight from amongst registered medical practitioners and seven from the other bodies. My amendment is only to provide for a majority for a body of that type which will regulate the conduct of the profession. I do not wish to add anything more.

† Sri K. K. HEGDE.—The Hon'ble Member will see that it is proposed to elect 6 members from amongst the medical practitioners, two members from the faculties of medicine and two members from the members of the staff of the Medical Colleges. Thus we have in all 10 members elected to the Medical Council and there will be a big majority of elected members in the Council. In view of that I do not think it is necessary to add any more and so, I request the member to withdraw his amendment.

Sri M. C. NARASIMHAN.—I request leave of the House to withdraw the amendment.

The amendment was by leave of the House, withdrawn.

Mr. SPEAKER.—The question is:

"That Clause 3 stand part of the Bill."

The motion was adopted.

Clause 3 was added to the Bill.

Mr. SPEAKER.—The question is:

"That Clauses 4, 5 and 6 do stand part of the Bill."

The motion was adopted.

Clauses 4, 5 and 6 were added to the Bill.

Clause 7

Sri M. C. NARASIMHAN.—I beg to move:

"That in item (*a*) for the words 'punishable' the word 'punished' shall be substituted;

In item 7 (*a*) after the would 'State Government' the words 'in consultation with the Medical' Counil shall beinserted."

Mr. SPEAKER:—Amendment moved:

"That in item (*a*) for the word 'punishable' the word 'punished' shall be substituted;

In item 7 (*a*) after the words 'State Government' the words 'in consultation with the Medical Council' shall be inserted."

†Sri M. C. NARASIMHAN.—Under the clause of the Bill, if a person as sentenced to imprisonment -- whatever be the period of sentence -- for an offence punishable with more than 3 months imprisonment, under the I. P. C., then he is disentitled from sitting as a member of the Medical Council. Even if he is sentenced for a day, he becomes disentitled. In the Hyderabad and Madras Acts there is no such clause and we are introducing it for the first time. The section of the I. P. C. may permit the Magistrate from giving a maximum of 3 months and more but actually the punishment inflicted may be for a short period. Why then should we disqualify him ?

My second amendment is simple. Under this clause, the State Government is entiled to remove the disqualification upon any person who has been convicted with an offence, which under the I. P. C. is punishable with 3 months or more. But before acting I wish the State Government would obtain the opinion of the medical council. I have only provided for consultation and the State Government is not bound to accept the advice of the Council. Since the Medical Council is being charged with the duty of maintaining the integrity of the profession, it is but right and proper that the State Government should consult the council before passing an order.

Sri T. PARTHASARATHY.—I would like to ask how a person would become less criminal if he is convicted for less than 3 months. The second amendment of Mr. Narasimhan is sound and ought to be accepted.

Sri K. K. HEGDE.—I am afraid I cannot accept the amendments. I may assure the House that the suggestions of the Medical Council would receive great consideration at the hands of Government.

Mr. SPEAKER.—The question is.....

Sri K. P. REVANNASIDDAPPA.—I demand a division, Sir.

Mr. SPEAKER.—No, no. Not at this stage. We have little time left.

Sri C. M. ARUMUGHAM.—Is that correct? Mr. Speaker, if a Member demands division, ought to be taken under the rules.

Mr. SPEAKER.—If you say that it is a right, then I will at once put all the clauses of the Bill to the vote of the House at 4-30 P.M. It should be over by that time.

Sri C. M. ARUMUGHAM.—I do not understand why you or anybody else should object to a division. If more time is needed, we can extend.

Mr. SPEAKER.—Let us be wise in these things.....

Sr. C. M. ARUMUGHAM.—I am sorry, Mr. Speaker. That is not the word, whether it refers to me or any other member of the house. It is not fair on the part of the Speaker to tay "let us act wise".

Mr. SPEAKER.—I only said "let us be wise". It does not mean that you are not wise.

Sri C. M. ARUMUGHAM.—When a member is pressing for a division it should be agreed to.

Mr. SPEAKER.—May I know what the Leader of the opposition has to say in this behalf?

Sri J. B. MALLARADHYA.—I wish to tell my friend, Mr. Arumugham that we have agreed that this Bill should be passed within the time allotted and that we will ask for no extension. In view of that, my party does not want a divison.

Sri C. M. ARUMUGHAM.—We had agreed to pass the Bill on prohibition within 3½ hours and later it was extended for four days. This is how things are going on. Whenever an Independent Member raises an issue, it is not heard to. When the P. S. P. says something, the Speaker listens to them. We request the Chair to protect us also.

Sri C. J. MUCKANNAPPA.—I support my friend, Sir. When we raise an issue, the Chair says "You can look after yourself". That is a wrong stand. If we are not wise, please tell us how to be wise.

Mr. SPEAKER.—It is not for me to preach how to be wise. Taking into account the limited time at our disposal I said "let us be wise", and try to finish the considertion of this Bill early.

Sri C. M. ARUMUGHAM.—If you are acting on the advice of the P. S. P. then we Independents will raise an objection to every issue. We have seen often that if there is agreement between the Government and the P. S. P, then the Chair respects it but where we are involved, no one cares. If this is the attitude, everytime we will raise an objection. Every Member has a right to ask for a division.

Mr. SPEAKER.—The Hon'ble Member is mistaken. The decision in respect of allotment of time, is that of the whole House and not that of the Government or the P. S. P. The motion regarding time, agreed upon in the Business Advisory Committee, was put to the entire House and the House decided upon the time.

Sri C. M. ARUMUGHAM.—Then I have a right to ask for an extension of time as was done on previous occasions.

Mr. SPEAKER.—Certainly, Yes. Please do. I have no objection.

Sri J. B. MALLARADHYA.—Sir, my friend Sri Arumugham says that myself or my party has joined the Congress party. It is not so. I have always been with the Opposition, either for good or for bad. It is one solid block. Let is not be misread that I am joining the Congress.

Sri C. M. ARUMUGHAM.—I did not say that he has joined the Congress. He will never do it. My point is if a Member presses for a division, can the Speaker object.

Mr. SPEAKER.—I did not say that a Member had no right to ask a division. He can.....

Sri C. M. ARUMUGHAM.—Sir, today you sit in a powerful place. Therefore you can act as you like.....

Mr. SPEAKER.—Does the Hon'ble Member Sri Revannasiddappa want a division ?

Sri K. P. REVANNASIDDAPPA.—No, Sir, because my leader is against it.

Mr. SPEAKER.—He cannot have it both ways. If the Hon'ble Member Sri Arumughan argues like this, much time would be lost.

4-30 P.M.

Mr. SPEAKER.—The question is:

"That in item (*a*) for 'the words' 'punishable' the word 'punished' shall be substituted."

"In item 7 (*a*) after the words 'the State Government' the words 'in consultation with the Medical Council' shall be inserted."

The amendment was negatived.

Mr. SPEAKER.—The question is:

"That Clause 7 stand part of the Bill"

The motion was adopted.

Clause 7 was added to the Bill.

Clauses 8, 9, 10, 11, & 12.

Mr. SPEAKER.—The question is:

"That clauses 8, 9, 10, 11, & 12 stand part of the Bill".

The motion was adopted.

Clauses 8, 9, 10, 11, & 12 were added to the Bill.

Clause 13.

Sri M. C. NARASIMHAN.—Sir I beg to move:

"that in sub-clause (2) after the words 'or any other law for the time being in force' the words 'and sentenced for a period not less than three months' shall be added."

"that the following proviso shall be added at the end of sub-clause (2), 'provided that the Medical Council may by regulation prescribe from time to time what is professional misconduct under this section'."

Mr. SPEAKER.—Amendment moved:

"that in sub-clause (2) after the words 'or any other law for the time being in force' the words 'and sentenced for a period not less than three months' shall be added."

"that the following proviso shall be added at the end of sub-clause (2), 'provided that the Medical Council may by regulation prescribe from time to time what is professional misconduct under this section'."

†Sri M. C. NARASIMHAN.—Sir, the idea is just repeated from the previous disqualification clause. In respect of cognizable offences, there must be a minimum period of three months of conviction or sentence, because that period is there in respect of the Medical Council, as in clause 7. I do not think there is any valid reason why this Medical Council should be permitted to refuse registration merely on the ground of that charge of cognizable offence. For cognizable offence, it is necessary that a minimum conviction of three months is prescribed.

Then the other portion of my amendment is, it is a proviso where the Medical Council may by regulation prescribe from time to time what is professional misconduct under this section. This professional misconduct or infamous conduct is the ground on the basis of which the Medical Council is empowered to refuse registration. But nowhere is it laid down what is infamous conduct or what is professional misconduct. So it is necessary to clarify. As already submitted by my friend Mr. Mallaradhya, the Medical Council should not be vested with power which is rather extraordinary and this can be exercised in any manner of speaking Since it pertains to the rights of medical practitioners it is necessary that the Government under the rule making power should prescribe by rules and regulations, what is infamous conduct, what are the conducts which we call infamous conduct or misconduct.

Sri K. K. HEGDE.—Under Section 7, it is said such of the acts are punishable up three months or more. But here it is actul conviction. I think it is conviction that taken into consideration in the Act. Next, Sir, it is left to the good sense of the Council to decide what is necessary regarding misconduct.

Sri M. C. NARASIMHAN.—What I have stated is that the Medical Council by regulation prescribe.

Sri K. K. HEGDE.—That may be regulated by its own rules and regulations.

Sri M. C. NARASIMHAN.—Suppose it is not provided in the Statute, then the Medical Council will not be able to prescribe by rules.

Sri K. K. HEGDE.—In practice, they may insist on the offence which may lead to disqualification.

Sri C. J. MUCKANNAPPA.—Unless you prescribe such a clause in the State, how can Medical Council prescribe what is misconduct?

Mr. SPEAKER.—The question is:

"that in sub-clause (2) after the words "or any other law for the time being in force" the words "and sentenced for a period not less than three months shall be added.

"that the following proviso shall be added at the end of sub-clause (2), "provided that the Medical Council may by regulation prescribe from time to time what is professional misconduct under this section".

The amendment was negatived.

Mr. SPEAKER.—The question is:

"That Clause 13 stand part of the Bill".

The motion was adopted.

Clause 13 was added to the Bill.

Mr. SPEAKER.—What shall I do now ? Shall I put all the clauses to Houses (It was past 4-30 P. M.)

Sri J. B. MALLARADHYA (Leader of the Opposition).—I leave it the Chair, Sir.

Sri C. J. MUCKANNAPPA.—It is left to your choice, Sir.

Mr. SPEAKER.—I do not want to stifle the debate.

Sri J. B. MALLARADHYA.-I request you kindly to extend the time, Sir.

Mr. SPEAKER.—So, I extend the time-limit. The limit of time will just one hour.

I must tell here that if Sri Arumugham had made a motion, it would have been lost.

Sri C. M. ARUMUGHAM.—That was why I did not make a motion, Sir.

Clause 14.

Sri M. C. NARASIMHAN.—Sir, I beg to move :

"That at the end of sub-clause(2), the following proviso shall be added."

' provided that the Medical Council shall give an opportunity of being heard to any person affected or likely to be affected by the said order, before passing the order."

Mr. SPEAKER.—Amendment moved:

"That at the end of sub-clause (2), the following proviso shall be added."

"provided that the Medical Council shall give an opportunity of being heard to any person affected or likely to be affected by the said order, before passing the order."

†Sri M. C. NARASIMHAN.—Sir, the point is this. In Clause 14(1) there is an appeal provided for and it goes to the Council in respect of any decision taken by the Registrar. But in respect of orders made under Clause 14(2), there does not seem to be any particular provision for appeal. I have only suggested that the Medical Council before passing such an order should give a reasonable opportunity to the concerned person. This is not taken care of by the subsequent provision where it states that the Medical Council shall generally follow the procedure of a Court. It is only by way of clarification that I have suggested this.

Sri K. K. HEGDE.—In sub-clause (2), it is stated that the Medical Council has got the right to delete from the register...

Sri G. VENKATAI GOWDA.—The Council could delete, provided they find it is done fraudulently or incorrectly made. But an opportunity should be given to the party whose name the Council seeks to delete. It is reasonable. Otherwise, it may be mis-used.

Sri K. K. HEGDE.—You have a right of appeal to the Government.

Sri G. VENKATAI GOWDA.—Respecting his registration, the right of appeal is there. Suppose the Medical Council has taken a decision to delete the name whimsically without assigning a reason. A reasonable opportunity should be given to the party whose name the Council seeks to delete.

Sri K. K. HEGDE.—He has got a right of appeal.

Sri T. PARTHASARATHY.—How can a name be fraudulently entered in the register ?

Sri K. K. HEGDE.—In that case, there is no necessity of the Medical Council at all.

Sri T. PARTHASARATHY.—Then you do add a clause as to what is the punishment to the Registrar for such an offence.

Sri K. K. HEGDE.—That will be taken care of—action against the Registrar as an employee.

Sri M. C. NARASIMHAN.—The Registrar is an employee of the Council.

Sri J. B. MALLARADHYA.—No punishment is contemplated or provided for anywhere in this Bill.

Sri K. K. HEGDE.—The appointing authority has power to punish the officer.

Sri J. B. MALLARADHYA.—If a fraudulent entry in the register is the direct cause of the act of the registrar himself, you have not said anything. You are talking of the medical practitioners who will be punished and not of the man who is responsible for the wrongful entry.

Sri K. K. HEGDE.—Medical Council is the apointing authority for the Registrar and they will punish him.

Sri B. D. JATTI.—If more clarification is required, it can be provided under the Rules also.

Sri M. C. NARASIMHAN.—Show me a single clause which enables you to provide for such matters in the Rules.

Mr. SPEAKER.—The question is:

That at the of end sub-clause (2), the following proviso shall be added:—

provided that the Medical Council shall give an opportunity of being heard to any person affected or likely to be affected by the said order, before passing the order."

The amendment was negatived.

Mr. SPEAKER.—The question is:—

"That Clause 14 stands part of the Bill."

The motion was adopted.

Clause 14 was added to the Bill.

Clause 15.

Sri K. NAGAPPA ALVA.—Sir, I beg to move:—

"That for sub-clause (2), the following sub-clause shall be substituted:—

" (2) The Medical Council,—

(i) may at any subsequent date, if it thinks fit; and

(ii) shall on decision to that effect of the Central Government under sub-section (2) of section 24 of the Indian Medical Council Act, 1956, direct that any name so removed shall be rentered.

Sri M. C. NARASIMHAN.—Sir, it is a repetition of sub-clause (2). So, how can it be admitted as an amendment?

Mr. SPEAKER.—I received it at the eleventh hour and had no time to look into it.

Sri NAGAPPA ALVA.—Sir, my amendment splits sub-clause (2) of the Bill. If it is not split up, the powers of the Medical Council will be restricted. When it is split up, the meaning becomes very clear. Hence, I move that this amendment may be accepted.

Sri K. K. HEGDE.—The amendment conveys the same meaning a sub-clause in the Bill itself.

Mr. SPEAKER.—I will not put it. The question is.

"That Clause 15 stand part of the Bill"

The motion was adopted.

Clause 15 was added to the Bill.

Mr. SPEAKER.—The question is:

"That Clauses 16 and 17 stand part of the Bill."

The motion was adopted.

Clauses 16 and 17 were added to the Bill.

Clause 18.

Sri M. C. NARASIMHAN.—Sir, I beg to move:

"That in sub-clause (3) after the words 'may be appointed' the words 'by the Medical Council' shall be added."

Mr. SPEAKER.—Amendment moved:

"That in sub-clause (3) after the words 'may be appointed ' the words' 'by the Medical Council' shall be added."

Sri M. C. NARASIMHAN.—Sir, I have moved this amendment only by way of clarification. I was not sure that the assessor was to be appointed by the Medical Council. I thought it was by the State Government that would have an ultimate say in the matter. So, I have suggested that the Medical Council should be the ultimate authority to appoint the assessor.

Sri C. J. MUCKANNAPPA.—Sir, who is the appointing authority is it the State Government or the Medical Council?

Sri T. PARTHASARATHY.—Will he be a permanent assessor or will he be appointed as and when required?

Sri K. K. HEGDE.—He may be appointed for a particular case or for a particular period.

As regards the amendment of Sri Narasimhan, the Medical Council is competent to take care of itself.

The amendment was by leave, of the House withdrawn.

Mr. SPEAKER.—The question is:

"That clause 18 stand part of the Bill."

The motion was adopted.

Clause 18 was added to the Bill.

Clause 19.

Sri M. C. NARASIMHAN.—Sir, I beg to move:—

"That in sub-clause (2), after the words 'Registrar shall' the words 'after giving a notice and not before the expiry of two months from the due date shall be inserted."

Mr. SPEAKER.—Amendment moved:—

"That in sub-clause (2), after the words 'Registrar shall' the words after giving a notice and not before the expiry of two months from the due date,' 'shall be inserted".

† Sri M. C. NARASIMHAN.—Sir, as the clause stands, the Registrar need not give any notice before a name is removed My amendment only seeks to provide that the Registrar may give notice. The moment the renewal fee of Rs. 2-which I doubt whether a person is really required to pay—is not paid his name should not be removed fr m the register. Two months', notice must be given and after two months the Registrar is entitled to remove the name of a person if he does not pay the subscription.

Sri G. VENKATAI GOWDA.—Sir, the idea of this amendment is simple. It is likely that a medical practitioner may forget to pay the fees. In such circumstances, it is desirable that he must be apprised of the fact that to pay. The idea is that some opportunity should be given to him to pay.

Sri T. PARTHASARAHTY.—Can a practitioner pay the total fees for a period of 5 or 10 years so that his name may not be removed from the register?

Sri C. J. MUCKANNAPPA.—This is a very simple amendment, Why do you impose a condition? When we say that such a thing should be done, you say that it will be provided in the rules. When we discuss about it, you say that such a provision should be made in the statute. Supposing a student is dismissed from school for want of attendance. He pays fees and he is admitted. So, may I request the the Government to accept this simple amendment? After all, do not stand on false prestige. Please do not see with coloured glasses whatever we suggest.

Sri K. K. HEGDE.—Sir, with the knowledge of Medical profession I have, I can say that they are already very cautious and are eager to see that they do not become defaulters. Even if such cases are to be considered favourably, they may be included in the rule to be framed.

Mr. SPEAKER.—The question is:

"That in sub-clause (2) after the words 'Registrar shall' the words 'after giving a notice and not before the expiry of two months from the due date' shall be inserted.

In the proviso to sub-clause (2) the words "and subject to such conditions" shall be deleted."

The amendment was negatived.

Mr. SPEAKER.—The question is:

"That Clause 19 staud part of the Bill."

The motion was adopted.

Clause 19 was added to the Bill.

Mr. SPEAKER.—Clause 20.

Sri. M. C. NARASIMHAN.—I move:

"That in sub-clause (2) after the words 'by any Act from any' the word 'registered' shall be added and the words 'or Medical Officer' shall be deleted.—

The following proviso shall be added.—

Provided that a certificate issued by 'registered practitioner' under the Mysore Ayurvedic and Unani Practitioners Registration and Medical Practitioners' Miscellaneous Provisions Act, 1930, and a Practitioner under the Mysore Homepathic Practitioners' Act, 1960, shall also be valid for the purposes of this sub-clause and all other relevant Acts."

Mr. SPEAKER.—The Chief Minister has suggested a slight change. I think that will satisfy all the sections of the House.

†Sri B. D. JATTI.—Sir, in order to have uniformity into provisions of all the three Bills which are before the House, if a slight change is made while reading the clause 20 sub-clause (2), it will be all right. Instead of the word "no" if we begin with the word "A" and in place of the word 'unless,' the word 'if' is used there would be uniformity in all the Bills. There will be no difficulty.

† Sri J. B. MALLARADHYA.—I want a clarification. In Mysore State there is a large body of candidates who are graduates of the integrated coures of medicine studying for 5½ years. In the Medical Registration Bill there is no reference to that. In the Mysore Ayurvedic and Unani Practitioners Registration Bill and the Mysore Homeopathic Practitioners' Bill, there is no reference to them. They are the alumni of our own college. I should like to know where they exactly come in. The majority of them get training in allopathy. Unless there is refenence to them, they cannot register themselves under the Medical Registration Bill.

Sri B. D. JATTI.—It must properly come in the Mysore Ayurvedic and Unani Practitioners Bill because it is in the Ayurvedic College.

Sri K. K. HEGDE.—When we refer that Bill to the Select Committee we can decide it.

Sri M. C. NARASIMHAN.—I am not pressing my amendment.

The amendment was by leave of the House withdrawn.

Mr SPEAKER.—The question is :

"That in sub-clause (2) of clause 20, for the word 'No' the word 'A' and for the word 'unless' the word 'if' shall be substituted."

The amendment was adopted.

Mr. SPEAKER.—The question is :

"That Clause 20 as amended stand part of the Bill."

The motion was adopted.

Clause 20 as amended was added to the Bill.

Mr. SPEAKER.—Clause 21.

Sri K. NAGAPPA ALVA.—I move :

"That the words 'not supported entirely by voluntary contribution ' shall be deleted."

Mr. SPEAKER.—Amendment moved :

"That the words 'not supported entirely by voluntary contributions' shall be deleted".

Sri K. K. HEGDE.—I accept the amendment.

Mr. SPEAKER.—The question is :

"That the words 'not supported entirely by voluntary contributions' shall be deleted."

The amendment was adopted.

Mr. SPEAKER.—The question is :

"That Clause 21 as amended stand part of the Bill."

The motion was adopted.

Clause 21 as amended was added to the Bill.

Mr. SPEAKER.—The question is :

"That Clauses 22, 23, 24, 25, 26, and 27 stand part of Bill."

The motion was adopted.

Clauses 22, 23, 24, 25, 26 and 27 were added to the Bill.

5-00 P. M.

Mr. SPEAKER.—Clause 28.

Sri NAGAPPA ALVA.—I do not propose to move my amendment.

Sri M. C. NARASIMHAN.—I beg to move :

"That the words 'whether any person is actually deceived by such pretence or representation or not' shall be deleted."

Mr. SPEAKER.—Amendment moved :

"That the words 'whether any person is actually deceived by such pretence or representation or not' shall be deleted."

Sri M. C. NARASIMHAN.—I need not add anything to what the Leader of the Opposition has already said on this question. He has requested the deletion of that clause. I leave it at that.

Sri K. K. HEGDE.—Sir, by retaining it, it does not vitiate the penalty. It is only an explanatory thing and it may be retained.

Sri J. B. MALLARADHYA.—Where is the necessity for this redundancy ? Don't you see the redundancy of the words there? You are drafting a Bill. Let it be clear-cut. I appeal to the Hon'ble Minister to tell me what purpose does it serve by its being there ? He must convince us. If I have made a mistake I will withdraw. If I think there is no sense, let him tell the House what purpose does it serve ?

Mr. SPEAKER.—I will put the amendment to the House. The question is :

"That the words 'whether any person is actually deceived by such pretence or representation or not' shall be deleted".

The amendment was negatived.

Mr. SPEAKER.—The question is :

"That Clause 28 stand part of the Bill."

The motion was adopted.

Clause 28 was added to the Bill.

Mr. SPEAKER.—The question is :

"That Clauses 29 to 31, both inclusive stand part of the Bill."

The motion was adopted.

Clause 29 to 31, both inclusive were added to the Bill.

Mr. SPEAKER.—Clause 32.

Sri M. C. NARASIMHAN.—I beg to move :

"That at the end of sub-clause (3) the words 'if the said regulations are found to be inconsistent with the provisions of this Act or the rules thereunder' shall be added."

Mr. SPEAKER.—Amendment moved :

"That at the end of sub-clause (3) the words 'if the said regulations are found to be inconsistent with the provisions of this Act or the rules thereunder' shall be added."

Sri M. C. NARASIMHAN.—Sir, this clause enables the Government by notification to cancel or alter any regulation made under this Act. This is rather an extraodinary provision which is not found in any of the enactments in the Sister States or enactments which are already in force in the various integrating areas. The Medical is a voluntary body and having been entrusted with the responsibility of maintaining the integrity of the profession and looking into the disputes of registration, I did not see any reason why at every step the State Government should intervene. After all, under Section there is sufficient provision for Government to intervene. It says :

"If at any time it shall appear to the State Government that the Council has failed to exercise, or has exceeded or abused any of the powers conferred upon it by or under this Act..."

Why should the regulations be subject to control and altration by the Government ? You can very well say that the Medical Council's regulations be made by the State Government itself. Why should the Medical Council be asked to make regulations and why should the State Government come in the way ? Further you will kindly see that the State Government may cancel any regulations made by the Medical Council. This power may be exercised. It must be with some purpose. It must be shown that the Medical Council Regulation is illegal or in excess of the powers vested in Medical Council. Otherwise it becomes arbitrary power which may be abused. Why do they want this power ? It is with a view to see that the Medical Council functions within the ambit of the Act and the Rules thereunder. The Government might say that they will act *bona fide*. My answers to that is, if they act *bona fide*, they may put it very clearly in the Act so that there is no difficulty. I have sent an amendment that if it is inconsistent with the provisions of the Act or the Rules thereunder, to that extent, it may be cancelled.

Sri J. B. MALLARADHYA.—I make an appeal to Mr. Narasimhan to withdraw the amendment. If it is inconsistent with the Act or the rules, then it automatically falls and it *ipso facto* becomes illegal. He may kindly withdraw the amendment.

Sri G. VENKATAI GOWDA.—Regulations will be made with the approval of the Government. As you could see, Clause 32 says :

"Subject to the provisions of this Act and of the rules made under Section 31, the Medical Council may, with the previous approval of the State Gavernment, make regulations..."

(Sri G. VENKATAI GOWDA)

The Medical Council cannot make regulations unless there is previous approval of the Government. In so far as the Government approves o the regulations made by the Medical Council, I fail to understand why the Government should reserve any power subsequently to cancel or alter it. Therefore, it is desirable to delete the clause itself. The Government need not approve if it is inconsistent with the provisions of the Act. Therefore, sub-clause (3) may kindly be deleted.

† ಶ್ರೀ ಸಿ. ಜೆ. ಮುಕ್ಕಣ್ಣಪ್ಪ.—ಶ್ರೀಮಾನ್ ಮಲ್ಲಾರಾಧ್ಯರು ಹೇಳಿದ ಹಾಗೆ ಈ ತಿದ್ದುಪಡಿಯನ್ನು ವಾಪಸು ತೆಗೆದುಕೊಂಡು ಮೂರನೆ ಸಬ್ ಕ್ಲಾಜನ್ನೇ ಡಿಲೀಟ್ ಮಾಡುವುದು ಒಳ್ಳೆಯದು. ಸರ್ಕಾರಕ್ಕೆ ಸ್ವಲ್ಪ ಕಹಿಯಾಗಿ ಕಂದರೆ ಅದು ಕೈ ಹಾಕುತ್ತದೆ. ಅಬಿಯಾನ್ಸ್ ಆಗಿರಬೇಕು. ನೀವು ಯಾವುದೇ ವಾತಿಯನ್ನು ಕಾರ್ಪಸ್ಟಿಟ್ಯೂಟ್ ಮಾಡಿದರೂ ನಿಮ್ಮ ಕೈವಾಡ ಇದ್ದೇ ಇರುತ್ತದೆ. ಶ್ರೀ ನರಸಿಂಹರವರು ಹೇಳಿದ್ದು ಅಸಂಭದ್ಧವೆಂದು ಕಂದರೆ ಮೂರನೆಯ ಸಬ್ ಕ್ಲಾಜನ್ನೇ ಡಿಲೀಟ್ ಮಾಡಿಬಿಡಿ. ನೀವೇನಾದರೂ ಮಾಡಬೇಕೆಂದು ಅಭಿಪ್ರಾಯಪಟ್ಟರೆ ನೀವು ಕೈ ಹಾಕಲು ಅವಕಾಶವಿದೆ. ನೀವು ಡಿಲೀಟ್ ಮಾಡಲು ಒಪ್ಪಿದರೆ ಸ್ವಲ್ಪ ಲಬರಲ್ ಆಗಿರುತ್ತದೆ. ಕಾನೂನು ಚೆನ್ನಾಗಿರುತ್ತದೆ. ಅಧಿಕಾರ ಡಿಸೆಂಟ್ರಲೈಜ್ ಮಾಡಬೇಕೆಂದು ಹೇಳುವಾಗ ಹೀಗೆ ಮಾಡುವುದು ಸರಿಯಲ್ಲ. ಪ್ರಾಕ್ಟಿಕಲ್ಲಾಗಿ ಕೆಲಸ ಮಾಡುವುದಾದರೆ ಮಂತ್ರಿಮಂಡಲ ನನ್ನ ಸಲಹೆಯನ್ನು ಒಪ್ಪಿಕೊಳ್ಳುವುದು ನೂಕ್ತ. ಆದುದರಿಂದ ಸರ್ಕಾರ 32ನೆಯ ಕ್ಲಾಜಿನ (ಮೂರನೆಯ) ಸಬ್ ಕ್ಲಾಜನ್ನು ಡಿಲೀಟ್ ಮಾಡಬೇಕೆಂದೂ, ಶ್ರೀ ನರಸಿಂಹರವರು ತಮ್ಮ ತಿದ್ದುಪಡಿಯನ್ನು ವಾಪಸು ತೆಗೆದುಕೊಳ್ಳಬೇಕೆಂದೂ ಕೇಳಿಕೊಳ್ಳುತ್ತೇನೆ.

Sri K. K. HEGDE.—Sir, as regards the amendment; I think my friend Mr. Mallaradhya and Mr. Venkatai Gowda sufficiently said that it is not neceseary because the regulations are done under the advice of the Government or on the approval of the Government. As such, I think My friend Mr. Narasimhan will withdraw that amendment.

Mr. SPEAKER.—I will put the amendment to vote. The question is:

"That at the end of sub-clause (3) the words 'if the said regulations are found to be inconsistent with the provisions of this Act or the rules thereunder' shall be added".

The amendment was negatived.

Mr. SPEAKER.—The question is:

"That Clause 32 stand part of the Bill."

The motion was adopted.

Mr. SPEAKER.—Clause 33.

Sri M. C. NARASIMHAN.—Sir, I move:

"That in line 11 of sub-clause (1) after the words 'for such period' the words 'not exceeding six months' shall be added and the words 'as it may think fit' shall be deleted."

"That in sub-clause (2) for the words 'as soon as may be convenient' the words 'before the expiry of six months' shall be substituted"

MR. SPEAKER.—Amendment moved:

"That in line 11 of sub-clause (1) after the words 'for such periods 'the words 'not exceeding six months' suall be added and the words 'as it may think fit' shall be deleted".

"That in sub-clause (2) for the words 'as soon as may be convenient' the words 'before the expiry of six months shall be substituted."

†Sri M. C. NARASIMHAN.—The idea behind this is very simple. Mr. Mallaradhya in the beginning itself explained about the nature of control that is sought to be exercised by Government and he has emphasised how it is unnecessary and inadvisable to have such blanket provision. If the State Government decides to dissolve the Council, than it shall be obligatory on the part of the Government to arrange for elections within a period of six months, not exceeding six months, but it is only by way of statutory safeguard I am suggesting that the period during which the administrator's taking overall the assets of the Medical Council may not be more than six months. The other amendment to sub-clause (2) is only consequential.

†Sri G. VENKATAI GOWDA.—In support of the amendment, I may be permitted to say a few words. The Minister while replying to the debate was pleased to make an observation that it is not the intention of the Government to drag on without constituting the Council by making arrangements for election. If that is the desire of the Government, let them accept the amendment. They claim that they will constitute the Council by arranging for the elections as early as possible; if so, there is no harm in accepting the amendment. They are given six months' time; within that time they can hold elections and constitute the Council. I submit that they may accept the amendment which will not prove harmful, and which on the other hand makes the Government to take early steps to reconstitute the Council.

Sri J. B. MALLARADHYA.—I also support the amendments and I appeal to the Chief Minister and the Minister for Health to accept the amendments because you cannot keep them in a dreadful silence for an indefinite time.

Sri K. K. HEGDE.—It is not the intention of Government to delay any such thing, While fixing six months I think Government may utilise the full period and even much earlier. When that is the intention of the Government I do not think the House need have any apprehension that they will purposeful delay it, causing inconvenience. So I request the Hon'ble Member to withdraw the amendments, on the assurance given by the Government.

Sri J. B. MALLARADHYA.—There is no harm in accepting the amendment. A period not exceeding six months is suggested. It may be done in 15 days.

Mr. SPEAKER.—I will put the amendment to vote. The question is:

Sri G. VENKATAI GOWDA.—I press for a division.

Mr. SPEKER.—The question is:

"That in line 11 of sub-clause (1) after the words 'for such period', the words 'not exceeding six months' shall be added and the words 'as it may think fit' shall be deleted."

"That in sub-clause (2) for the words 'as soon as may be convenient' the words 'before the expiry of six months' shall substituted."

(Members who were for and against stoodup in their seat separately)

The motion was negatived by a large majority.

Mr. SPEAKER.—The question is:

"That Clause 33 stand part of the Bill".

The motion was adopted.

Clause 33 was added to the Bill.

Mr. SPEAKER:—The question is:

"That Clauses 34 and 35 stand part of the Bill."

The motion was adopted.

Clauses 34 and 35 were added to the Bill.

Mr. SPEAKER.—Clause 1, the Title and the Preamble. The question is:

"That Clause 1, the Title and the Preamble stand part of the Bill."

The motion was adopted.

Clause 1, the Title and the Preamble were added to the Bill

Motion to pass.

Sri K. K. HEGDE.—Sir, I move:

"That the Mysore Medical Registration Bill, 1960 as amended be passed."

Mr. SPEAKER.—The question is:

"That the Mysore Medical Registration Bill, 1960 as amended, be passed."

The motion was adopted.